

REMARKS

Status of the Application:

This paper is filed in response to the Office Action (Paper No. 14) mailed October 7, 2003 (hereinafter, the "Office Action"). This paper is being filed with a petition for a one month retroactive extension of time and the required fee. The Commissioner for Patents is authorized to charge any underpayment, or credit any overpayment to Deposit Account No. 50-0951.

At the time the Office Action was mailed, claims 1-17 were pending in the application. Claims 1-17 were rejected under 35 U.S.C. § 112, first paragraph, and under 35 U.S.C. § 102(e).

In this amendment, claims 1, 5, 14 and 15 have been amended, claims 11-13 have been canceled, and no claims have been added. Therefore claims 1-10 and 14-17 remain before the examiner for consideration.

Applicants' representatives, the undersigned, acknowledge with gratitude the helpful interview with the Examiner held on January 28, 2004, in which the art cited in the Office Action was discussed relative to the claimed invention. During the teleconference, it was agreed that the Wen reference did not disclose or suggest the use of brimonidine for treatment of the following photoreceptor degenerative conditions, as described by Applicants: age-related macular degeneration (AMD) with RPE detachment, exudative AMD, geographic RPE atrophy, non-geographic RPE atrophy, choriocapillaris atrophy, and retinitis pigmentosa caused by genetic mutations in the RPE. Applicants' representative agreed to add the above-described patentable limitations to Claim 1 and all other appropriate claims to recite the aforementioned conditions, and the Examiner agreed to allow the claims if amended as discussed.

As amended herein, all claims now recite the above-described patentable limitations.

Thus, Applicants have made every effort to present claims which distinguish over the cited art, and it is believed that all claims are now in condition for allowance. However, Applicants request that the Examiner call the undersigned (direct line (561) 671-3666) if anything further is required by the Examiner prior to issuance of a Notice of Allowance for all claims.

Respectfully submitted,

AKERMAN SENTERFITT

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